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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 10-00244 EMC
)	
Plaintiff,)	
)	
v.)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME UNDER
MICHAEL ANTHONY NELSON,)	SPEEDY TRIAL ACT FROM OCTOBER
)	17, 2012, THROUGH JANUARY 16, 2013.
Defendant.)	
)	

With the agreement of the parties in open court on October 17, 2012, and with the consent of the defendant Michael Anthony Nelson, the Court enters this order (1) setting a status conference in District Court on January 16, 2013, at 2:30 p.m., and (2) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from October 17, 2012, through and including January 16, 2013. The Court finds and holds, as follows:

1. The parties previously appeared before District Judge Edward M. Chen on August 29, 2012. At that time, counsel for the government informed the court that the government was re-producing discovery to new counsel. Counsel for defendant requested time to review the record and investigate the case. The Court ordered the parties to return on October 17, 2012, for further status regarding the scheduled January 22, 2013, trial date.

[PROPOSED] ORDER EXCLUDING TIME
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1 2. On October 17, 2012, counsel for defendant informed the Court that he was unable to
2 proceed with trial on January 22, 2013, because he could not effectively prepare for the January
3 trial date given a previously-scheduled December trial in another matter.

4 3. At defense counsel's request, the Court re-set the trial for May 20, 2013, at 8:30 a.m.
5 The Court also ordered that a status conference be set for January 16, 2013.

6 4. Counsel for defendant requested that the period from October 17, 2012, through and
7 including January 16, 2013, be excluded under the Speedy Trial Act to allow defense counsel
8 time to prepare for trial, given the significant record in the case and the number of likely
9 witnesses. The government agreed to the proposed exclusion of time.

10 5. The Court finds that, taking into account the public interest in the prompt disposition
11 of criminal cases, granting the continuance from October 17, 2012, through and including
12 January 16, 2013, is necessary for effective preparation of newly-appointed defense counsel. 18
13 U.S.C. § 3161(h)(7)(B)(iv). Given these circumstances, the Court finds that the ends of justice
14 served by excluding the period from October 17, 2012, through and including January 16, 2013,
15 outweighs the best interest of the public and the defendant in a speedy trial. 18 U.S.C. §
16 3161(h)(7)(A).

17 //

1 6. Accordingly, and with the consent of the defendant, the Court (1) sets a status hearing on
2 January 16, 2013, at 2:30 p.m., and (2) orders that the period from October 17, 2012, through and
3 including January 16, 2013, is excluded from Speedy Trial Act computation under 18 U.S.C. §§
4 3161(h)(1)(D) and 3161(h)(7)(A) and (B)(iv).

5 IT IS SO STIPULATED.

6 Dated: October 18, 2012

Respectfully submitted,

7 MELINDA HAAG
8 United States Attorney

9
10 /s/
MICHELLE J. KANE
11 Assistant United States Attorney

12 Dated: October 18, 2012

13
14 /s/
KENNETH WINE
15 Counsel for Michael A. Nelson

16 IT IS SO ORDERED.

17 Dated: October 19, 2012

